CITY OF WASHINGTON, THURSDAY MORNING, MARCH 14, 1850.

States to the general government, were not the incidents to that power also delegated? If any one can give an anawer in the negative, I would be glad to have him do it. I hear none.

Mr. CASS. The constitution, which gives the power, carries the incident to that power with it; otherwise it is not there; and if it is not clearly there, it would be in all respects a most violent construction which would deduce it. But the power to acquire is the power itself.

Mr. WALKER. My position is not understood. What I asked was, did the delegation of a power carry with it aits incidents? This is not denied. Then, if the power to make war and treaties resided in the States, and if a part of the war and treaty-making power is the power to acquire territory, which necessarily carries with it, as an incident, the power to govern the territory, and the delegation of a power is a delegation of the incident, when it is not only delegated to the general government, but it exercise by the States is prohibited by the constitution? Must it not be necessarily vested in Congress? I believe this view of the subject has never been presented in the Senate before. If it has, I have never seen or heard of it. I have never before heard it claimed that the power to govern the Territories was an expressly delegated power.

Mr. CASS. Has this government any powers which are not given it in the constitution?

Mr. WALKER.

Mr. WALKER. I have not contended that it has.
Mr. CASS. Must we not go to the constitution to
look for its powers?
Mr. WALKER. There is where I am going and have

"And in order that the present decree may have its full and entire execution, I order it to be princed, published, and circulated to all those whose obligation is to have it fulfilled.
"Given in the Federal Palace of Mexico, on the 15th of September, 1829.

VINCENTE GUERRERO,

"Given in the Federal Palace of Mexico, on the 18th of September, 1829.

VINCENTE GUERRERO, LORENZO DE ZAVALA."

But it is said that Guerrero was a usurper, and that he had no power to issue such a decree, and make it effectual. For the information of those who may be thus doubtful, it may be proper to bring the attention of the Senate to the act which conferred upon Guerrero the power under which he was then acting; and I will say that if the Congress of Mexico had the power to confer absolute and arbitrary authority upon the President of that republic, it was done, so far as the terms used are concerned. It is as follows:

(Tenslation.)

"EXTRAORDINARY POWERS TO THE GOVERNMENT.

"ART I. The executive of the confederation is author-

"ART 1. The executive of the confederation is authorized to adopt whatever measures may be necessary for the preservation of independence, of the present system of government, and of tranquility." ART 2. By the preseding article the government is not authorized to despose of the fires of Mexicans, or to expetitum from the territory of the republic.

"ART 3. This authority shall ceuse as soon as the governlead Congress shall meet in ordinary sevious."
[Collection of Laws and Decrees made by the General Congress, &c., of 1829 and 1830, page 55.]

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may be a fine the particular of the particular of the standard of the encountry of the fight of the standard of the encountry of the fight of the standard of the encountry of the fight of the standard of the encountry of the fight of the encountry of the fight of the encountry of the fight of the encountry of t